

Flathead Basin Commission

MINUTES

November 18, 2015

CSKT Tribal Council Chambers, Pablo, Montana

FBC Members/Staff in Attendance: Tom Smith, Jan Metzmaker, Jack Potter, Chas Cartwright, Rich Janssen, Gale Decker, Jeff Mow, Kate Hunt, Julie Dalsoglio, Christian Smith, Phil Mitchell, Heidi Sedivy and Caryn Miske.

Others in Attendance: Mark Noland, John Wachsmuth, Tom Cox, Lori Curtiss, Kathyxxx (DNRC), Tom Boos and Tom Bansak.

FBC Administration

- Minutes from September 9, 2015 FBC meeting unanimously approved.
- 2016 Meeting Schedule approved as follows: January 27 (north); April 20 (south); June 15 (north); September 21 (south) and November 16 (GNP).
- Agenda for January 27, 2016 meeting to include: Kascie Herron, American Rivers; Sierra Harris, The Nature Conservancy; update on Elk Valley mining (Dalsoglio); update on Columbia River Treaty, if any (Janssen) and BNSF report, if available.
- FBC Vice Chair: Julie Dalsoglio expressed an interest to serve. Dalsoglio to research EPA guidelines related to serving in this function. Will report out at the next meeting.
- FBC representation: Jon Joudonnais (PPL) has resigned from the FBC. Members unanimously approved inviting Brian Lipscomb from Energy Keepers to serve informally until the FBC enabling legislation can be changed. C. Miske to obtain permission from Stacey Otterstrom from the Governor's office to approve this change.
- Office location – The FBC office will be moved to the DNRC Missoula office complex in early 2016. It is hoped that equipment will continue to be stored in Kalispell.
- Lake County Density Mapping – The County Commissioners will hold a public hearing on 12/17/15 to discuss the possible repeal and/or revision of the lake county density map and regulations. Dave DeGrandpre and a Tribal Attorney attended the last mtg. Varying opinions exist as to whether the map is enforceable. The Growth Policy is outdated, and will be updated to ensure that growth policies are consistent with associated regulations.
- Christian Schmidt is replacing George Mathieus as the FBC DEQ representation.

- Community Foundation Partnership Update –
 - Based on conversations with the Missoula Community Foundation, the Montana Community Foundation and the Lower Clark Fork Community Foundation it has been determined that none of these foundations can service the FBC given our needs.
 - Based on research undertaken by C. Miske, only two local community foundations will likely be able to serve the needs of the FBC.¹ The FBC will partner with either the Flathead or Whitefish Community Foundation. Some questions remain regarding specific issues related to grant management and staffing. Motion unanimously passed delegating authority for the final decision on community foundation partnership to the FBC Executive Committee.

Lori Curtiss presented on the **Flathead Conservation District (FCD) Watershed Restoration Plan (WRP)**. The FCD is hiring Sarah Bowman from the Big Sky Watershed Corps to spearhead the project. In December 2015 a planning meeting will be held to identify the plan components. The recently completed Whitefish Lake Watershed Plan will be used as a template, with Curtiss providing assistance. Curtiss will forward the WRP to the FBC for input. The FBC will link to the Whitefish Plan on the FBC website.

FBC Strategic Plan - unanimously adopted with the following changes:

- Water quality monitoring added back into to number 4.
- Add Montana Invasive Species Advisory Council (MISAC) under AIS.
- Add an acronym key.
- Change language “develop and strengthen the current BNSF plan...” to focus on facilitation” and include additional partners as needed.
- Reduce redundancy throughout the plan.
- Consider hosting another Large Lakes Conference – to be discussed in further detail with the E&O committee.
- Members will have until December 1 to provide any other suggested changes.

¹ The Missoula, Montana and Lower Flathead Foundations could not serve as long term fiscal agents in the capacity required.

AIS Update:

- Regulations pending for mechanical harvesters (Dept. of Agriculture) and hold order (FWP). No regulation currently planned for ballast tanks. State Rep. Nolan reported that he had spoken with Rep. Zinke regarding the need for increased protection against invasive mussels.
- MISAC meeting January 20, 2016 in Helena. The MISAC Invasives Summit will be held April 12-13, 2016. Both meetings are open to the public.
- Planning proceeding for early open (March 1) for watercraft inspection stations (WIS) on Highways 2 and 93, as well as Clearwater Junction.
 - Funding is still needed for all three stations.
 - CSKT Ordinance/permission will be needed for the early station opening in Pablo.
- The Flathead Basin AIS Strategic Plan update is underway, a draft document should be available for review by year end.
- Focus Group Testing: The FBC is hiring a consultant to undertake testing of the existing AIS messaging for awareness and its capacity to encourage behavior change. One focus group will be held in Missoula and the other in Calgary. A report will be available by year end.
- AIS Transboundary Protocols underway. FBC is spearheading the effort with funding from the CMP/GNLCC.
- AIS enforcement: Tom Boos reported that AIS is now specifically enumerated in the tasks to be completed by FWS law enforcement personnel. Boos stated the wardens will start citing people for AIS infractions in the 2016 field season.

Development Needs: The AIS effort will require a significant amount of additional funding if the Basin is to implement its AIS prevention plan as previously outlined. The operation of the Highway 2 WIS for the field season (March 1 – Labor Day) will cost approximately \$75,000, with an additional \$35,000 each to operate Clearwater and Highway 93 from March 1 to Memorial Day. Members discussed the possibility of developing a fundraising plan. Kunt Hunt noted that the FBC has an impressive board, and that this should be highlighted on the FBC website. Motion passed unanimously for the FBC to establish a Development Committee. The Committee will meet prior to the next FBC meeting, and will be prepared to make recommendations at the January 2016 meeting. Members to include: Tom Smith, Kate Hunt, Julie Dalsoglio, Chas Cartwright and Jan Metzmaker.

Rail Safety Update: Issues raised –

BNSF agreed to put forward \$40,000 to undertake LiDAR mapping of the Middle Fork. The Flathead Lake Biological Station is proposing a \$500,000 tracer study on surface water/groundwater impacts in the event of a spill. It is uncertain at this time if BNSF would fund a portion of this study. The tracer test could have value in outreach efforts, as well as providing needed scientific data. In addition, the Rail

Safety Group assembled by the FBC is in the process of approving a list of operational questions that will then be submitted to BNSF. Our goal is to develop a partnership with BNSF to bolster preventive actions that can be taken to reduce the likelihood of a hazardous materials release into Flathead waters. The questions posed will allow us to better understand BNSF operations, and will facilitate the identification of actions that could be supported at the state legislature and with the Congressional delegation. The goal is to submit these questions to BNSF by year end.

CFAC Update: Julie Dalsoglio reported the decision on superfund listing is still pending. Phil Mitchell stated that 10 months ago Ann Green Communications put together a 25 person stakeholder group that meets monthly to obtain community input. According to Mitchell, the Administrative Order on Consent related to the Remedial Investigation (RI) should be in place within the next two weeks. The RI must be approved by the EPA. The Order related only to the investigation, not the level of clean up or the remediation plan. Dalsoglio indicated that the end-use will determine the extent and method of the clean-up ultimately undertaken. While the community can provide input regarding the end use, Glen Corp or a future owner(s) will determine how the property is used.

Other FBC Updates:

- Wastewater: The Flathead Wastewater Regional Water Management Group is struggling. In order to move the wastewater issue forward, FBC will now focus on hiring a consultant to undertake an optimization study(ies) for plants that have not yet received the benefits of optimization.
- Drought planning: project development pending.

Seth Makepeace, CSKT

Mr. Makepeace presented on issues related to wetlands health, in particular the impacts of ditch lining on water levels. In addition, stream restoration projects on the CSKT Reservation were highlighted.

Public comments: none

Meeting Adjourned.